

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**ENRIQUE ZACARIAS DIAZ,**

Plaintiff,

v.

**NURSE WILLIAMS,**

Defendant.

Case No. 2:22-cv-00826-YY

**ORDER ADOPTING THE FINDINGS  
AND RECOMMENDATION**

Enrique Zacarias Diaz, 18838819, Snake River Correctional Institution, Prisoner E-Filer, 777 Stanton Blvd, Ontario, OR 97914. Pro Se Plaintiff.

Dylan J. Hallman, Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301. Attorney for Defendant.

**IMMERGUT, District Judge.**

This Court has reviewed Judge You’s Findings and Recommendation (“F&R”), ECF 40.

No objections were filed. For the following reasons, the Court ADOPTS Judge You’s F&R.

**STANDARDS**

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

### **CONCLUSION**

No objections to Judge You’s F&R have been timely filed. Nonetheless, this Court has reviewed Judge You’s F&R, ECF 40, and now adopts it in full. This Court GRANTS summary judgment to Defendant and DISMISSES this case with prejudice.

**IT IS SO ORDERED.**

DATED this 16th day of November, 2023.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge